

## FACSIMILE COVER SHEET

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November 4, 2004

**TO:** Examiner Hayes (TC1600)**GROUP:** 1647**FAX NUMBER:** 703-872-9306**ATTORNEY DOCKET NO.:** UT-0037**SERIAL NO.:** 10/025,333**FILED:** December 19, 2001**NUMBER OF PAGES:** 7**MESSAGE:** Attached please find Amendment Transmittal Letter, Reply to Restriction Requirement mailed October 5, 2004 and Certificate of Transmission by Facsimile.**Kathleen A. Tyrrell, Registration No. 38,350****URGENT! PLEASE DELIVER IMMEDIATELY UPON RECEIPT. THANK YOU!**

\* \* \* \* \*

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## CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Rao and Proschel

Docket No.

UT-0037

Application No.  
10/025,333Filing Date  
December 19, 2001Examiner  
Hayes, Robert ClintonGroup Art Unit  
1647

Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor

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I hereby certify that this Reply to Restriction Requirement  
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Kathleen A. Tyrrell

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(Signature)

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## AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): Rao and Proschel

Docket No.

UT-0037

Application No. 10/025,333	Filing Date December 19, 2001	Examiner Hayes, Robert Clinton	Customer No. 26259	Group Art Unit 1647	Confirmation No. 4765
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Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor

## COMMISSIONER FOR PATENTS:

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Transmitted herewith is an amendment in the above-identified application.

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Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

## CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	14 -	20 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	5 -	5 =	0	x \$44.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

No additional fee is required for amendment.

Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_

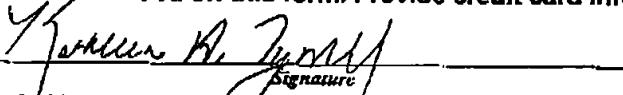
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The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619

- Any additional filing fees required under 37 C.F.R. 1.16.
- Any patent application processing fees under 37 CFR 1.17.

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Signature

Dated: November 4, 2004

Kathleen A. Tyrrell, Reg. No. 38,350

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: UT-0037

Inventors: Rao and Proschel

Serial No.: 10/025,333

Filing Date: December 19, 2001

Examiner: Hayes, Robert Clinton

Customer No.: 26259

Group Art Unit: 1647

Confirmation No.: 4765

Title: Generation, Characterization and  
Isolation of Neuroepithelial Stem Cells  
and Lineage Restricted Intermediate  
Precursor

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On November 4, 2004

  
Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed  
October 5, 2004 setting a one (1) month statutory period for  
response. Please enter the following remarks into the record.

Remarks being at page 2.

Attorney Docket No.: UT-0037  
Inventors: Rao and Proschel  
Serial No.: 10/025,333  
Filing Date: December 19, 2001  
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REMARKS

Claims 21 through 34 are pending in the instant patent application. Claims 21-34 have been subjected to a Restriction Requirement as follows:

Group I, canceled claims 1-15 and new claim 33, drawn to populations of mammalian CNS neuroepithelial stem cells, classified in class 435, subclass 325;

Group II, canceled claims 16-20 and new claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, classified in class 435, subclass 368;

Group III, claims 21-25, drawn to a method of isolating mammalian CNS neuroepithelial stem cells involving co-culturing glial and neuronal cells, classified in class 435, subclass 373;

Group IV, claims 26-30, drawn to a method of isolating mammalian CNS glial-restricted precursor cells using antibodies to capture these cells, classified in class 435, subclass 395; and

Group V, claims 31-32, drawn to a method of generating a population of mammalian CNS motoneurones, classified in class 435, subclass 377.

The Examiner suggests that these Groups are distinct because they are directed to different products which appear to

Attorney Docket No.: **UT-0037**  
Inventors: **Rao and Proschel**  
Serial No.: **10/025,333**  
Filing Date: **December 19, 2001**  
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constitute patentably distinct inventions. Further, the Examiner suggests that their different classification and the lack of co-extensiveness of the search would constitute an undue burden on the Examiner.

Applicants respectfully traverse this Restriction Requirement.

In accordance with MPEP § 803, there are two criteria which must be met for a proper restriction requirement. The first is that the inventions be independent or distinct; the second is that there would be serious burden on the Examiner if the restriction is not required. Searching for art relating to the cells of Groups I or II will clearly reveal any art relating to methods for isolation thereof as set forth in Groups III and IV, respectively or cells derived therefrom as set forth in Group V. Further, it is respectfully pointed out that the instant application is a continuation application of U.S. Patent Application Serial No. 08/852,744 and a search by the Examiner of the instant application of prior art relating to mammalian CNS neuroepithelial stem cells and mammalian CNS glial-restricted precursor cells was already performed. Thus, no serious burden is placed upon the Examiner by including all Groups, or at least Groups I and II, in the prosecution of this case.

Attorney Docket No.: UT-0037  
Inventors: Rao and Proschel  
Serial No.: 10/025,333  
Filing Date: December 19, 2001  
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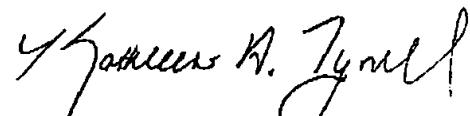
In contrast, the economic burden on Applicant by restricting this application into five separate applications is quite serious and may prohibit Applicant from obtaining the full patent coverage to which they are entitled.

Accordingly, withdrawal of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group II, claim 34, drawn to populations of mammalian CNS glial-restricted precursor cells, with traverse.

Applicants believe this reply to be completely responsive to this Restriction Requirement.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: November 4, 2004

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